

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PATRICK M. MIKSCH,

Petitioner,

vs.

BRAD HANSEN, Warden;

Respondent.

4:18CV3008

**MEMORANDUM
AND ORDER**

This matter is before the court on the Notice of Appeal ([filing no. 20](#)) filed by Petitioner on April 23, 2018. Petitioner appeals from the court's Order and Judgment dated April 12, 2018. ([Filing No. 15](#); [Filing No. 16](#).) He also requests a certificate of appealability. ([Filing No. 19](#).) Also before the court is the memorandum from the Clerk of the Court ([filing no. 21](#)) requesting a decision as to whether Petitioner may proceed in forma pauperis ("IFP") on appeal.

Petitioner has failed to include the \$505.00 appellate filing and docket fees. Petitioner has not previously been granted leave to proceed in forma pauperis in the district court in connection with his § 2254 petition. Thus, Fed. R. App. P. 24(a)(3), which continues in forma pauperis status on appeal without further authorization, does not apply. Accordingly, by May 30, 2018, Petitioner shall either pay the \$505.00 filing and docket fees to the clerk's office or submit a request to proceed in forma pauperis.

The court in its Order and Judgment dated April 12, 2018, informed Petitioner that it would not issue a certificate of appealability in this matter. Accordingly, his request for a certificate ([filing no. 19](#)) is denied.

IT IS THEREFORE ORDERED that:

1. Petitioner's request for a certificate of appealability ([filing no. 19](#)) is denied.
2. Petitioner is directed to submit the \$505.00 fees to the clerk's office or submit a request to proceed in forma pauperis by May 30, 2018.
3. The clerk of the court is directed to send to Petitioner the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
4. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: **May 30, 2018:** Check for MFIFP or payment.

Dated this 30th day of April, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge